

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 134 CUTTACK, MONDAY, JANUARY 17, 2011 / PAUSA 27, 1932

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 3rd January 2011

No. 50—li/1(B)-313/1994-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 30th September 2010 in I.D. Case No. 82 of 2008 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial disputes exists between the Management of M/s Konark Jute Ltd., Dhanmandal and its workman Shri Niranjan Bal (deceased) substituted by his wife Aratiprava Bal was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 82 OF 2008

(Previously registered as I. D. Case No. 294 of 1995 in the file of the
P.O., Labour Court, Bhubaneswar)

The 30th September 2010

Present :

Shri Raghbir Dash, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubaneswar.

Between :

The Management of M/s Konark Jute Ltd., Dhanmandal.	.. First-party—Management
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And

Its workman Niranjan Bal (deceased) substituted by his wife Aratiprava Bal, At/P.O. Balipur, Via. Balichandrapur, Dist. Jajpur.	.. Second-party—Workman
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Appearances :

Shri P. K. Lenka, Advocate	.. For the First-party—Management
Shri Ramesh Sahoo, Advocate	.. For the Second-party—Workman

AWARD

This is a reference of an Industrial Dispute made by the Government of Orissa in Labour & Employment Department vide their Order No. 12071—li/1(B)-313/1994-LE., Dt. 6-9-1995 which was originally referred to the Presiding Officer, Labour Court, Bhubaneswar for adjudication but subsequently transferred to this Tribunal for adjudication vide Labour & Employment Department's Order No. 4138—li/21-32/2007-LE., Dt. 4-4-2008. The Schedule of reference runs as follows :

“Whether the action of the management of M/s Konark Jute Ltd., Dhanmandal in terminating the services of Shri Niranjan Bal, Cloth Repairer with effect from 22-4-1993 is legal and/or justified ? If not, what relief Shri Bal is entitled to ?”

2. To-day the case is posted for passing of Award.

The authorised representative of the management as well as Aratiprava Bal, who is the widow of the deceased workman Niranjan Bal, being present in the Tribunal submit that they have already settled the dispute outside the Tribunal since 18-4-2010 and accordingly they have prayed to pass an Award in terms of the Memorandum of Settlement, Dt. 17-9-2010.

3. I have read over and explained the Memorandum of Settlement to the parties and they admit to have put their signatures on the Memorandum of Settlement having fully understood the contents thereof. They submit that the terms and conditions have been correctly laid down in the Memorandum of Settlement. The terms of the settlement are, therefore, recorded and an Award is passed in terms of the settlement. The Memorandum of Settlement do form part of the Award.

Dictated and corrected by me.

RAGHUBIR DASH
30-9-2010
Presiding Officer
Industrial Tribunal
Bhubaneswar

RAGHUBIR DASH
30-9-2010
Presiding Officer
Industrial Tribunal
Bhubaneswar

By order of the Governor

P. K. PANDA
Under-Secretary to Government

FORM K

(MEMORANDUM OF SETTLEMENT)

In between :

1st Party .. M/s Konark Jute Ltd.
At/P.O. Dhanmandal
Dist. Jajpur.
Represented through Managing Director

And

2nd Parties .. (1) Smt. Aratiprava Bal,
aged about 46 years,
W/o Late. Niranjan Bal.
(2) Saswatiprava Jena,
aged about 26 years
W/o Abinash Jena
At/P.O. Kantigadia
P.S. Dharmasala,
Dist. Jajpur.
(3) Swagatika Bal,
aged about 23 years
W/o Sanjeeb Kr. Samal
At Bandareswar,
P.O. Palai,
P.S. Balichandrapur,
Dist. Jajpur.
(4) Smaranika Bal,
aged about 22 years
D/o Late Niranjan Bal.
(5) Smruti Ranjan Bal,
aged about 15 years
S/o Late Niranjan Bal,
(2nd parties No. 1, 4 & 5 are staying at
Village Natapur, P.O. Nalipur,
P.S. Balichandrapur, Dist. Jajpur.

SHORT RECITAL OF THE CASE

Reference was made by the State Government in Labour & Employment Department U/s 10 (1) r/w 12 (5) of the Industrial Dispute Act, 1947 with the terms of reference being whether termination of the Workman Niranjan Bal from service is legal and justified and if not, then what relief the workman is entitled to. The said case was registered as I.D. Case No. 294/95. During pendency of the aforesaid dispute, the workman expired and his legal heirs were substituted in the case. Subsequently the said case is transferred to the Industrial Tribunal and is registered as I.D. Case No. 82/2008. During the course of hearing, both the parties after feeling the rigour of litigation have entered into a settlement and accordingly this Memorandum of Settlement has been prepared.

TERMS OF SETTLEMENT

- (1) That the 1st party hereby pay a sum of Rs. 25,000 (rupees twenty-five thousand) only by way of A/c. payee cheque in favour of Smt. Aratiprave Bal, W/o Late Niranjan Bal towards full & final settlement of all claim and dues of the 2nd party members and the 2nd party members (the legal heirs of deceased workman Niranjan Bal) acknowledge the said payment by signing & executing the Memorandum of Settlement this the 17th day of September 2010.
- (2) That the 2nd party members hereby declare that they shall not raise any further claim in future against the 1st party Management in any manner whatsoever and if raised the same shall be rejected at all places.
- (3) That onwards there is no dispute between the parties in the eye of law
- (4) That the 2nd party No. 5 is a minor & represented through his natural mother guardian Aratiprava Bal who is competent to sign & execute this memorandum of settlement. The Memorandum of Settlement is in the welfare of the minor.

Signature of the Executant

Sd/

[Illegible]

Witness

1st party

(1) Ashish Ku. Das

Managing Director

I/c HRD

Konark Jute Ltd.

17-9-2010

Dhanmandal

2nd parties

(2) Susama Pradhan

(1) ଆରତୀ ପ୍ରଧାନ

Advocate, Orissa High Court, Cuttack

For self & as natural mother
guardian of minor 2nd party No. 5

Dhanmandal

(2) Saswatiprava Jena

17-9-2010

(3) Swagatika Bal

(4) Smaranika Bal